

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION)	MDL No. 1456
)	
)	CIVIL ACTION: 01-CV-12257-PBS
THIS DOCUMENT RELATES TO 01-CV-12257-PBS AND 01-CV-339)	Judge Patti B. Saris
)	
)	Chief Mag. Judge Marianne B. Bowler

**DECLARATION OF STEVE W. BERMAN IN SUPPORT OF PLAINTIFFS'
MOTION TO COMPEL THE PRODUCTION OF HHS ASP DOCUMENTS**

I, Steve W. Berman, hereby declare that:

1. I am an attorney at law, licensed to practice in the State of Washington and admitted *pro hac vice* in this case. I am a member of Hagens Berman LLP, resident in its Seattle, Washington, office and am Co-Lead Counsel for the Plaintiffs in the above-captioned action.
2. This declaration is submitted in support of Plaintiffs' Motion to Compel ASP Documents.
3. I have met and conferred with representatives of defendants who have confirmed that they will not produce documents responsive to the HHS ASP.

Further the declarant sayeth not. I certify under penalty of perjury that the foregoing is true and correct. Executed this the 1st day of July, 2004, at Seattle, Washington.

/s/ Steve W. Berman
STEVE W. BERMAN

CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing **DECLARATION OF STEVE W. BERMAN IN SUPPORT OF PLAINTIFFS' MOTION TO COMPEL THE PRODUCTION OF HHS ASP DOCUMENTS** to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on July 1, 2004, a copy to Verilaw Technologies for Posting and notification to all parties

By /s/ Steve W. Berman
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